

Example 1 – How We Use Blended Learning

A Before and After Class Resource

Teaching Mediation to Law Students

To teach law students to be effective advocates in mediation, we blend an online *Mediation* module with face-to-face classroom activities.

The module presents theory with examples and engaging activities.

Step 1. Setting the Stage and Piquing Interest

The Online Mediation Module

The introductory section is assigned in advance of the first mediation class.

Students start as “flies on the wall” in the *MagRag Dispute* case study. They hear a conversation between two business partners that ends badly and results in a lawyer sending a demand letter. The students are invited to see how lawyers use mediation to resolve disputes like this one.

The introduction then provides a basic overview of mediation and the role of the mediator. Students also hear the actual voices of several lawyers who talk about how they use mediation in their practice. Hearing directly from practicing lawyers increases the students’ motivation because they see the direct relevance of mastering effective mediation advocacy skills in their future careers.

Step 2. In-class Mediation Demonstration and Discussion

One year, the Dean, Bruce Feldthusen, and the University President, Allan Rock, were the clients represented by well-known local counsel Janice Payne and Roger Tucker in an in-class mediation demonstration, which gives the students an opportunity to watch lawyers and clients work with a mediator to identify the issues that need to be resolved and to surface what each party needs in order to resolve the dispute. The mediator here was Rick Weiler.

Students use a demonstration focus questionnaire to guide their observation of the mediation process.

Step 3. Practising the First Lawyering Skill Online

Preparing a Client for Mediation

The online *Mediation* module topic called *Preparing for an Interest-based Negotiation* is used to give students an overview of the client preparation stage.

Using the *MagRag Dispute* case study, students are taken through important pre-mediation preparation steps. These include:

- assessing if mediation is the best process for the dispute,
- working with the client to prioritize interests, and
- preparing the client for what to expect in a mediation.

Online exercises give students a chance to try out each of these.

Step 4. Small-group face-to-face simulation

Students try their hand at a mediation in an in-class simulation. They prepare for a mediation where they take on the role of either lawyer, client or mediator and spend 45 minutes in a small-group mediation simulation.

This is followed by an in-class debrief lead by the professor.

Step 5. Completing the Mediation module

A full-length in-class mediation simulation

Students complete the online *Mediation* module before they participate in a final, 2 ½ hour mediation simulation that is observed and debriefed by an experienced practising lawyer.

While certain sections of the *Mediation* module are recommended, the students can use their experience from this first mediation simulation to select the particular aspects of the process that they themselves have identified as challenging or in need of practice.

For example, students can practice communication and negotiation skills which they found challenging in their first simulation by completing the exercises on the page called “The Mediator and Lawyer’s Complementary Roles, Skills and Strategies”.

Step 6. The final in-class mediation simulation

In the final simulation, the students test out their new skills while being observed by a practising lawyer.

During the debrief, the practising lawyer encourages them to identify which skills they would like to develop further in future courses and through the modules.

Step 7. Returning to the Mediation module

The online module can be accessed any time and as often as students like to review and practice the lawyering skills targeted in this module.